

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

IN RE: EMERSON C. FOOTE, DEBTOR

CASE NO: 6:09-bk-72875
CHAPTER 13

U. S. BANK, N.A.

MOVANT

VS.

EMERSON C. FOOTE; JACK W. GOODING, TRUSTEE;
VERA M. FOOTE, CO-DEBTOR

RESPONDENTS

**ORDER GRANTING MOTION FOR
RELIEF FROM STAY AND CO-DEBTOR STAY AND TO ABANDON**

Came before the Court Movant's Motion for Relief from Stay and Co-Debtor Stay and to Abandon. The debtor, by and through his Attorneys, Honey Law Firm; the movant, by and through its Attorneys, Dyke, Henry, Goldsholl & Winzerling, P.L.C.; and the trustee represent that they agree and jointly consent to the entry of this Order. The co-debtor, Vera M. Foote, failed to appear. Therefore, upon consideration, and for good cause shown, it is

ORDERED that the trustee's interest in and to the following described real property is hereby abandoned:

Lots 608 & 609 of Section G of Diamondhead Subdivision as filed in Hot Spring County, Arkansas.

This property is commonly known as 446 PLUM HOLLOW BLVD, HOT SPRINGS, AR 71913.

It is further ORDERED that the stay provisions of 11 U.S.C. §362 and §1301 of the Bankruptcy Code should be and hereby are lifted with regard to the property abandoned by this Order; that the provisions of Bankruptcy Rule 4001(a)(3) are not applicable to this Order; that U.S. Bank, N.A., and its successors and assigns may take immediate action upon entry of this Order; and that creditors with valid claims or interests in and to the abandoned property are

released to pursue their usual lawful remedies, including reasonable attorney's fees of \$650 and costs of \$150, against Debtor's interest in said abandoned property, provided that the creditor shall account for and return to the trustee any surplus over the balance due which may be realized upon liquidation of the property. Further, the provisions of §362 continue in full force and effect as to Debtor and to all other property of Debtor not itemized within this Order. Suits or actions to enforce personal money judgments against Debtor are precluded by the operative provisions of §362 not lifted by this or other Orders of this Court.



RICHARD D. TAYLOR
U.S. BANKRUPTCY JUDGE
Date: June 25, 2010

APPROVED AS TO FORM:

/s/ Mary A. Winzerling

Mary A. Winzerling
Attorney for Movant
DYKE, HENRY, GOLDSHOLL & WINZERLING, P.L.C.
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EOD 6/25/2010
by T Wilkins

/s/ Lonnie L. Grimes, for

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/s/Marc Honey

Marc Honey
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cc: Vera M. Foote, Co-Debtor
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